

Appln. No.: 09/965,966  
Amendment Dated: October 5, 2006  
Reply to Office Action of: July 5, 2006

YAO-4347US

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figures 9A and 9B. This sheet replaces the original sheets.

Attachment

**Remarks/Arguments:**

Claims 1-14 are pending.

Claims 2, 6, 11 and 12 are withdrawn from consideration.

Claims 1 and 10 are independent claims.

Claims 10 and 14 are allowed.

By this Amendment, claim 1 is amended.

No new matter is presented by the claim amendment. Support for the claim amendment can be found in the original specification, for example, at page 8, lines 17-18 and Figs. 1, 4 and 6.

**Information Disclosure Statement (IDS)**

In the Office Action, at page 2, the IDS filed on February 5, 2004 was not considered because it was contended that the IDS failed to comply with 37 CFR 1.98(a)(2) requirements.

The IDS and references were properly submitted on February 5, 2004. A copy of the IDS and references is attached for your convenience.

Entry and consideration is respectfully requested.

**Drawing Changes**

In the Office Action, at page 2, the Figures were objected to because Figs. 9A and 9B were not designated --PRIOR ART--.

Accordingly, substitute Figs. 9A and 9B are enclosed which include such a designation.

Reconsideration is respectfully requested.

**Rejection of Claims 1, 3 and 7 under 35 U.S.C. §102(b)**

In the Office Action, at page 2, claims 1, 3 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by Horikoshi (JP 57-154998).

Reconsideration is respectfully requested.

**Claim 1**

Claim 1 is directed to an electromagnetic transducer, and recites "a suspension for supporting the magnetic member at a central portion of the suspension; a diaphragm connected to the suspension at a central portion of the diaphragm," (emphasis added).

**Horikoshi Reference**

Horikoshi discloses, as clearly evident from Figure 2, that both the 1<sup>st</sup> diaphragm body 18 and the 2<sup>nd</sup> diaphragm body 30 are connected at the outer edges of the 2<sup>nd</sup> diaphragm 30. That is, contrary to the structure of claim 1, the 1<sup>st</sup> diaphragm body 18 of Horikoshi (i.e., which the Examiner contends corresponds to the suspension recited in claim 1) is not connected to the 2<sup>nd</sup> diaphragm 30 (i.e., which the Examiner contends corresponds to the diaphragm recited in claim 1) at a central portion of the 2<sup>nd</sup> diaphragm 30.

Accordingly, it is submitted that claim 1 patentably distinguishes over the cited art of Horikoshi, and is submitted to be allowable.

**Rejection of Claim 4 under 35 U.S.C. §103(a)**

In the Office Action, at page 4, claim 4 is rejected under 35 U.S.C. §103(a) as being obvious over Horikoshi in view of Uenosono (JP 11-055794).

Reconsideration is respectfully requested.

Claim 4 is submitted to patentably distinguish over Horikoshi for at least the same reasons as claim 1 from which it depends.

The addition of Uenosono does not overcome the deficiencies of Horikoshi. This is because Uenosono fails to disclose or suggest a suspension for supporting the magnetic member at a central portion of the suspension and, furthermore, therefore cannot provide the diaphragm connection feature (i.e., that the diaphragm is connected to the suspension at a center portion of the diaphragm). This is because, Uenosono does not include both a suspension and a diaphragm.

Further, it would NOT have been obvious for one of ordinary skill in the art to modify Horikoshi so that the 1<sup>st</sup> diaphragm body 18 is connected to the 2<sup>nd</sup> diaphragm 30 at a central portion of the 2<sup>nd</sup> diaphragm 30 because such a modification would render Horikoshi unsatisfactory for its intended purpose and would change the principle of operation of Horikoshi. That is, an advantage of the Horikoshi device, which is based on the structure of the diaphragm 32, the body 30 and the chamber 14, is the reduction in spring constant to lower the resonance frequencies.

According to Section 2143.01 of the MPEP, "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

According to the same Section of the MPEP, THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE. That is, "if the proposed modification or combination of the prior art would change the principle of operation of the prior art reference, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."

Accordingly, it is submitted that claim 4 patentably distinguishes over the cited art of Horikoshi and Uenosono, taken singularly or in any proper combination for at least the above set forth reasons.

#### **Rejection of Claim 5 under 35 U.S.C. §103(a)**

In the Office Action, at page 5, claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over Horikoshi in view of Sone (USP 5,467,323).

Reconsideration is respectfully requested.

Claim 5 is submitted to patentably distinguished over Horikoshi for at least the same reasons as claim 1.

The addition of Sone does not overcome the deficiencies of Horikoshi. This is because, because Sone fails to disclose or suggest a suspension for supporting the magnetic member at a central portion of the suspension and, furthermore, cannot provide the diaphragm connection feature. This is because, Sone does not include a suspension.

Moreover, as previously set forth, any modification of Horikoshi to include the diaphragm connection feature would be improper, as it would change Horikoshi's intended purpose and principle of operation.

Accordingly, it is submitted that claim 5 patentably distinguishes over the cited art of Horikoshi and Sone, taken singularly or in any proper combination for at least the above set forth reasons.

**Rejection of Claims 8 and 9 under 35 U.S.C. 103(a)**

In the Office Action, at page 5, claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being obvious over Horikoshi in view of Murakami (JP 58-171198)

It is believed that the rejection of claims 8 and 9 is based on Murakami (JP 58-171198) and not Uenosono (JP 11-055794).

Reconsideration is respectfully requested.

Claims 8 and 9 are submitted to patentably distinguish over Horikoshi for at least the same reasons as claim 1.

The addition of Murakami does not overcome the deficiencies of Horikoshi. This is because, Murakami fails to disclose or suggest a suspension for supporting the magnetic member at a central portion of the suspension and, furthermore, cannot provide the diaphragm

connection feature. This is because, Murakami does not include both a suspension and a diaphragm.

Moreover, as previously set forth, any modification of Horikoshi to include the diaphragm connection feature would be improper, as it would change Horikoshi's intended purpose and principle of operation.

Accordingly, it is submitted that claims 8 and 9 patentably distinguishes over the cited art of Horikoshi and Murakami, taken singularly or in any proper combination for at least the above set forth reasons.

**Rejection of Claim 13 under 35 U.S.C. 103(a)**

In the Office Action, at page 6, claim 13 is rejected under 35 U.S.C. §103(a) as being obvious over Horikoshi in view of Lee (USP 5,956,622)

Reconsideration is respectfully requested.

Claim 13 is submitted to patentably distinguish over Horikoshi for at least the same reasons as claim 1.

The addition of Lee does not overcome the deficiencies of Horikoshi. This is because, Lee fails to disclose or suggest a suspension for supporting the magnetic member at a central portion of the suspension and, furthermore, cannot provide the diaphragm connection feature (i.e., that the diaphragm is connected to the suspension at a center portion of the diaphragm). This is because Lee does not include both a suspension and a diaphragm.

Moreover, as previously set forth, any modification of Horikoshi to include the diaphragm connection feature would be improper, as it would change Horikoshi's intended purpose and principle of operation.

Accordingly, it is submitted that claim 4 patentably distinguishes over the cited art of Horikoshi and Lee, taken singularly or in any proper combination for at least the above set forth reasons.

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**Conclusion**

In view of the foregoing amendments and remarks, the above-identified application is in condition for allowance, which action is respectfully requested

Respectfully submitted,

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LEA/EB/ds

Attachments: Figures 9A and 9B (1 sheet)  
Copy of February 5, 2004 IDS with references

Dated: October 5, 2006

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The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 5, 2006

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